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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,018	04/23/2001	Ranjit Sahota	40004572-0004-002	5829

26263 7590 04/25/2008

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EXAMINER	
BUI, KIEU OANH T	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
04/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/841,018	SAHOTA ET AL.	
	Examiner	Art Unit	
	KIEU-OANH BUI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/07/2008 has been entered.

Remark

2. Claims 26-28 have been cancelled, and claims 29-31 have been previously added. Pending claims are claims 1-25 and 29-31 for reconsideration.

Response to Arguments

3. Applicant's arguments with respect to claims 1-25 and 29-31 have been considered but are moot in view of the new ground of rejection as below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

5. Claims 1-25 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (U.S. Patent No. 6,536,041 B1) in view of Hsu (U.S. Patent 6,295,058 B1) and Dougherty et al. (US Patent 6,363,525 B1).

Regarding claim 1, Knudson discloses "a system comprising: a display; and a receiver to receive a broadcast and to have an interactive channel bug into the broadcast, the interactive channel bug to facilitate interactivity without the need for tuning to a dedicated channel associated with interactive services, and to provide the broadcast and the interactive channel bug to the display", i.e., a display 190 as shown in Figure 13 and a receiver (as shown in Figure 1/set top box 52) for receiving interactive broadcasting services from a broadcaster, for example, real time data is providing on the same time with programming and program guides from television facility, and the display further provides an interactive channel controllable ticker including other icons (Fig. 13/item 187) regarding as interactive channel bug to display to the viewer for interactivity services (Fig. 13, 24-26, 27a-27c; and col. 7/lines 36-63 for set top box; col. 13/line 55 to col. 14/line 13 & col. 14/line 45-col. 15/line 13 & col. 15/line 30-42 for details on the controllable ticker wherein the ticker is independent from the television display, so that the user can still watch the television program and view interactive channel ticker for additional information based on the user's preferences and setup, and the category can be changed; the ticker is automatically scrolling, and the user does not need to tune to any dedicated channel associated with interactive services).

Knudson does not further teach a technique of morphing an interactive bug into the received broadcast and the receiver receives a broadcast in accordance with computer-readable instructions executed by the receiver; however, this technique is taught by Hsu as Hsu clearly teaches a method for the user to morph a graphic image on the screen at the interactive receiver (refer to Fig. 7 and col. 7/lines 9-25), and Hsu teaches to further include a computer system (Fig. 1/item 100 & Fig. 3 and col. 1/lines 45-59 & col. 4/lines 20-59) with computer readable instructions executed by the receiver (col. 7/lines 35-42 & col. 8/lines 46-57 and col. 9 and 10/see claims 7-12). In addition, Dougherty clearly teaches the interactive icon or box is provided from the server into the broadcast stream and no human interaction is involved (refer to Dougherty, Fig. 1 for interactive icons & Fig. 3 for a set top receiver the interactive contents; Fig. 7A & 7B for interactive content object & interactive object definition & Fig. 16 for interactive icon definition; and col. 5/line 40 to col. 6/line 31 for how the interactive contents are delivered to the user floating on the television screen; col. 12/lines 28-42 for interactive graphical object definition; and col. 13/lines 1-43 for interactive object definition). Therefore, it would have been obvious to one of ordinary skill in the art to modify Knudson's apparatus with a known technique of morphing and computer software instructions of Hsu in order to morph an interactive bug or an interactive icon into the received broadcast and the receiver executes the computer readable instructions so that the receiver receives the broadcast, as well as the technique of Dougherty for providing interactive contents in various forms and formats in texts, graphics or objects to the user without human interaction. The motivation for doing this as taught by Hsu and Dougherty as the user can select which icon to morph from a list of available icons at the interactive receiver and the receiver can receive the broadcast based on the computer

readable instructions executed by the receiver while the interactive contents are delivered from the broadcast source to the user on the broadcast stream interactively without human interaction.

As for claims 2-3, Knudson further discloses "wherein the interactive channel bug is a graphical object" (Fig. 13, item 187 provides a graphical object, col. 14/line 14) and "wherein the graphical object includes an interactive broadcast channel branding logo" (Fig. 1/item for a branding logo, col. 14/line 14, since the icon is a television channel icon; or Fig. 25/item 310 for a sponsor logo).

As for claims 4-5, Knudson shows "wherein the receiver selectively causes the interactive channel bug to appear or morph" (Fig. 19 for having the channel ticker or not) and "wherein the interactive channel bug is a launching point for interactive services", i.e., selecting these icons will cause to appear the display of the interactive session for browsing/buying products and services (Fig. 24, and col. 18/line 61 to col. 19/line 27 for icons can be interactively access to other links and information).

As for claim 6, Knudson discloses "wherein the interactive channel bug launches a functionality determined by a broadcaster or network operator, the functionality capable of changing over time", i.e., the network changes to provide the icons over time based on the request or interest of the user, refer to Fig. 11 and 20, and col. 13/lines 17-36 and col. 17/lines 25-52 for different times set up for the interactive channel ticker).

As for claim 7, Knudson discloses "wherein the form of the interactive channel bug is to change to indicate the availability of new interactive services" (Figs. 11-12 as the live event data feed is updated regularly as if a new interactive service is available, see col. 13/line 17-67).

As for claims 8-9, Knudson discloses "wherein a changed form of the interactive channel bug indicates the availability of interactive services associated with the broadcast" and "wherein a changed form of the interactive channel bug indicates the availability of interactive services associated with a purchase of products or services", i.e., col. 13/line 55 to col. 14/line 13 & col. 14/line 45-col. 15/line 13 & col. 15/line 30-42 for details on the controllable ticker wherein the ticker is independent from the television display, so that the user can still watch the television program and view interactive channel ticker for additional information based on the user's preferences and setup, and the category can be changed; the ticker is automatically scrolling for displaying updated and new interactive information; and Fig. 24, and col. 18/line 61 to col. 19/line 27 for icons can be interactively access to other links and information.

Regarding **claims 10-17** of "a method for a display system comprising: receiving a broadcast; receiving an interactive channel bug; morphing the channel bug into the broadcast, the interactive channel bug to facilitate interactivity; and providing the broadcast and the interactive channel bug to the display system" including the step of without the need for tuning to a dedicated channel associated with interactive services, **claims 18-25** of "a machine-readable medium providing instructions, which if executed by a processor, causes the processor to perform an operation comprising: receiving a broadcast; receiving an interactive channel bug; morphing the interactive channel bug into the broadcast, the interactive channel bug to facilitate interactivity; and providing the broadcast and the interactive channel bug to the display system" including the step of without the need for tuning to a dedicated channel associated with interactive services; and **claims 29-31** of "a method for providing interactive content comprising: capturing and analyzing a video stream to locate a standard non-interactive broadcast bug;

determining a position of the standard non-interactive broadcast bug; aligning an interactive bug over the broadcast bug at the position; and displaying the interactive bug over the broadcast bug within the video stream": these claims with same limitations addressed earlier are rejected for the reasons given in the scope of claims 1-9 as discussed in details above.

In addition to claims 10, 18 and 29, Knudson does not further teach a technique of morphing an interactive bug into the received broadcast and the receiver receives a broadcast in accordance with computer-readable instructions executed by the receiver (as recently amended); however, this technique is taught by Hsu as Hsu clearly teaches a method for the user to morph a graphic image on the screen at the interactive receiver (refer to Fig. 7 and col. 7/lines 9-25), and Hsu teaches to further include a computer system (Fig. 1/item 100 & Fig. 3 and col. 1/lines 45-59 & col. 4/lines 20-59) with computer readable instructions executed by the receiver (col. 7/lines 35-42 & col. 8/lines 46-57 and col. 9 and 10/see claims 7-12). In addition, Dougherty clearly teaches the interactive icon or box is provided from the server into the broadcast stream and no human interaction is involved (refer to Dougherty, Fig. 1 for interactive icons & Fig. 3 for a set top receiver the interactive contents; Fig. 7A & 7B for interactive content object & interactive object definition & Fig. 16 for interactive icon definition; and col. 5/line 40 to col. 6/line 31 for how the interactive contents are delivered to the user floating on the television screen; col. 12/lines 28-42 for interactive graphical object definition; and col. 13/lines 1-43 for interactive object definition). Therefore, it would have been obvious to one of ordinary skill in the art to modify Knudson's apparatus with a known technique of morphing and computer software instructions of Hsu in order to morph an interactive bug or an interactive icon into the received broadcast and the receiver executes the computer readable instructions so that the receiver

receives the broadcast, as well as the technique of Dougherty for providing interactive contents in various forms and formats in texts, graphics or objects to the user without human interaction. The motivation for doing this as taught by Hsu and Dougherty as the user can select which icon to morph from a list of available icons at the interactive receiver and the receiver can receive the broadcast based on the computer readable instructions executed by the receiver while the interactive contents are delivered from the broadcast source to the user on the broadcast stream interactively without human interaction.

Conclusion

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/KIEU-OANH BUI/
Primary Examiner, Art Unit 2623